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# SANITARY LEGISLATION.

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## STATE LAWS AND REGULATIONS PERTAINING TO PUBLIC HEALTH.

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### NEW JERSEY.

**State Department of Health—Organization, Powers, and Duties. Director of Health—Appointment and Duties. Codification of Health Laws. (Chap. 288, Act Apr. 14, 1915.)**

1. The department of health is hereby established, and the same shall be governed by a board of eight members, to be known as the "department of health of the State of New Jersey." Not more than four of the members of the board shall be members of the same political party, and all of said members shall be residents of this State. At least three of the members shall be physicians, at least one a veterinarian, and at least two sanitary engineers.

2. The members of the department of health shall be appointed by the governor, by and with the advice and consent of the senate, for the following terms, to commence on the 1st day of July, 1915: Two for one year, two for two years, two for three years, two for four years. Annually thereafter, two members shall be appointed for a term of four years. Vacancies shall be filled for the unexpired terms. The board shall meet in the statehouse in Trenton at such times as its rules may prescribe in each and every month, and at such other times and places within the State as, in its judgment, may be necessary. The board shall elect one of its members president, who shall hold office for one year and until his successor shall be elected.

The members of the department of health shall receive no compensation for their services, but the State treasurer shall, upon the warrant of the State comptroller, pay their necessary expenses.

3. The board shall select a person who shall be known as the "director of health," and who shall be a resident of this State, and shall be a man skilled in sanitary science, and shall have had actual experience in an administrative or executive capacity in some well-organized department of public health. In case the board can not agree, because of a tie vote therein, upon the selection of a director, the governor shall be requested to sit with said board for the purpose of casting the deciding vote. Said director of health shall receive a salary of not more than \$5,000 per annum, to be paid out of the treasury of this State as the salaries of other employees are now or may hereafter be paid. He shall devote his entire time to the duties of his office and shall serve for a term of 4 years and until his successor has been appointed and qualified.

4. The powers and duties of the department of health of the State of New Jersey shall be as follows:

(a) It shall exercise all the powers and perform all the duties now exercised and performed by or conferred and charged upon the board of health of the State of New Jersey.

(b) It shall enact rules to regulate the transaction of its business.

(c) It shall enact a State sanitary code, which shall contain such rules and regulations the observance of which, in its opinion, will promote health and prevent disease.

It shall prescribe the time when each rule or regulation shall take effect, and it shall cause a copy of the code and of each amendment or addition thereto to be sent to each local board of health or to the governing body of each municipality. Such code shall supersede as to those matters to which it relates all local ordinances, rules, and regulations and shall be observed throughout the State and enforced by all local health authorities. Nothing herein contained, however, shall be deemed to limit the right of local health authorities to make such further ordinances, rules, and regulations as, in their opinion, may be necessary for the particular locality under their jurisdiction: *Provided*, That such ordinances, rules, and regulations do not conflict with the laws of the State or the State sanitary code.

(d) It shall call to the attention of local health authorities any failure on their part to enforce the laws of the State or the State Sanitary Code, and afford them an opportunity to explain their failure. Its determination as to what is a reasonable notice shall be conclusive. If, after a hearing, it finds that no good reason exists for the failure of the local health authorities to enforce the law or the Sanitary Code, it shall issue an order directing them to do so. If the local health authorities fail to comply with such order within the time specified, or if none is specified within a reasonable time, the department of health shall itself take such action as may be necessary to perform the acts specified in the order. Any contracts which it may make for such purpose shall be binding upon the local municipality and shall be deemed to have the same force and effect as if duly authorized and made by the local health and municipal authorities. Any moneys expended by the State, and the amount of all obligations incurred by the department of health of the State of New Jersey to comply with such order, may be recovered in an action of debt, in its name, in any court of competent jurisdiction, such sum, when recovered, to be paid into the treasury of this State, from the municipality the health officers of which fail to comply with the order. In all legal proceedings the order of the department of health of the State of New Jersey shall be prima facie evidence of compliance with the provisions of this law and conclusive evidence of the violation recited in it.

(e) It may prescribe, unless otherwise provided by law, the qualifications of health officers and of all nurses.

(f) It shall fix the salaries of all employees.

(g) It may issue subpoenas signed by its president and secretary requiring the attendance of witnesses and the production of books and papers in any part of the State, before it or any of its committees or before the director of health, and any person who, being served with a subpoena issued pursuant to the provisions of this act, shall fail to attend or who shall fail to give testimony, unless such testimony incriminate him or subject him to a fine or punishment, shall be liable to a penalty of \$500 for each and every offense, to be recovered in the name of the State of New Jersey; said penalty, when recovered, to be paid into the treasury of the State of New Jersey; and it shall be the duty of the attorney general to prosecute any and all actions for the recovery of penalties, when requested so to do, and when in his judgment the facts and the law warrant such prosecution.

(h) The department of health of the State of New Jersey shall report annually to the legislature.

(i) The board shall also have power to create subdepartments or divisions, to take specific charge of the different lines of work contemplated in this act, and shall upon the recommendation of the director appoint heads or chiefs of such subdepartments or divisions, at salaries to be fixed by said board.

5. The powers and duties of the director of health of the State of New Jersey shall be as follows:

(a) He shall attend all meetings of the board and shall be *ex officio* its secretary.

(b) He shall perform all the duties now imposed by law on the secretary of the board of health of the State of New Jersey at the time this act takes effect.

(c) He shall exercise general supervision over all matters relating to sanitation and hygiene throughout the State.

(d) He shall be and he hereby is charged with the enforcement of all laws relating to the health of the people of the State, and of the provisions of the State Sanitary Code.

(e) He shall be and he hereby is charged with the collection, preservation, and tabulation of all information required by law in reference to births, marriages, deaths, and all vital facts.

(f) He shall, when the board is not in session, exercise the powers conferred upon it in subdivision D of section 4 of this act, and any order issued by him shall have the same force and effect as if issued by the said board.

(g) Whenever the approval of the department of health of the State of New Jersey is required to any act, plan, paper, or proposed undertaking, he shall examine the same, and, when in his opinion it is necessary, he shall conduct hearings and examine witnesses, and he shall report to the board what he has done with his recommendations.

(h) He shall prepare a monthly health bulletin and cause the same to be distributed among the local health authorities.

(i) He shall confer, from time to time, with the commissioner of education and cooperate with such commissioner of education so that, from time to time, health bulletins shall be distributed among all the public schools of the State and the children educated in sanitation and hygiene.

(j) At least once in every year he shall call together local health officials for a general conference on the subject of the health of the people of the State, and a discussion of ways and means to promote the same and to prevent disease.

(k) He shall be a member *ex officio* of each county mosquito extermination commission, and shall cooperate with them for the effective carrying out of their plans and work.

(l) He shall obtain, collect, and preserve such information relating to the health of the people of the State and to the prevention of disease as may be useful in the discharge of his duties, or as may contribute to the welfare of the people of the State.

(m) He shall, whenever in his opinion it is necessary or advisable, or when directed by the board so to do, make a sanitary survey of the whole or any part of the State, and it shall be the duty of all local health officials for such purpose to furnish such information as he may demand, and to perform such acts as he may direct, with regard to, and within, the territory under their jurisdiction.

(n) He shall, from time to time, recommend to the board such changes and additions as he thinks should be made to the State Sanitary Code.

(o) He shall report to the board upon such matters, and at such times, as may be prescribed in its rules.

(p) He may, and any person authorized by him so to do may, without fee or hindrance, enter upon, examine, and survey all sources and means of water supply; all sewage disposal plants, all sewage systems, all prisons, public and private places of detention, asylums, hospitals, schools, public buildings, private institutions, factories, workshops, tenements, and also any premises in which he has reason to believe there exists a violation of any health law of the State or of any provisions of the State Sanitary Code.

6. The provisions of the sanitary code shall have the force and effect of law, and any violation of any portion thereof shall be punishable by a penalty of not less than \$25 nor more than \$100, to be sued for and recovered by the director of health or by the local health officer, local board of health, or other board or officer exercising the powers of a local board of health, of any local jurisdiction within which such violations may occur, in the same manner as penalties incurred for violation of an act entitled "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof" (Revision of 1907), and approved May 20, 1907.

7. Whenever it is necessary for the department of health of the State of New Jersey to hold any hearings or to make any investigation under this or any law or rule, such hearings or investigation may be held or made by the direction of the board in accordance with such rules as it may prescribe before it or by the director of health, who shall submit to the board the evidence taken by him, together with his opinion thereon and his recommendations in regard thereto.

8. The board, by its presiding officer, each of its committees by their chairman, and the director of health, shall have authority to administer oaths and to examine under oath in any part of the State witnesses in any matter relating to the powers and duties of the board, or of the director, or of the health of the people of the State, or the prevention of disease. Any person who, having been sworn by the presiding officer of the board, or the chairman of any of its committees, or by the director of health, willfully gives false testimony, shall be guilty of perjury.

9. Immediately upon the establishment of the department of health of the State of New Jersey it shall become the duty of said department to codify the various laws relating in any way to the health of the people of this State, which have been passed from time to time, and relating to or concerning the department in any manner whatsoever, which codification shall set forth in a clear and comprehensive manner the origin of the department, meaning thereby its consolidation with the board of health of the State of New Jersey, the creative act of said board, after which shall follow, in their proper order, all existing acts amendatory thereof and supplementary thereto, and all acts relating to its consolidation (if any there has been) with any other board or boards, commission or commissions, department or departments. Said work of codification shall continue from year to year after the principle herein set forth, with the idea of preserving in concrete form the history and development, or evolution, so to speak, of the present department of health of the State of New Jersey, established by this act, and contributing materially to a better and more comprehensive understanding of all laws relating thereto, and of the powers and duties devolved upon said department of health hereby created by said acts.

10. The director of health may be removed by the governor after a hearing: *Provided*, That charges against him have been submitted, in writing, signed by a majority of the members of the board: *And provided further*, That the governor finds such charges to be true in fact and their nature such that, in his opinion, the best interests of the State demand the removal of the director.

11. All of the employees of the department of health shall be appointed and shall hold their positions subject to the provisions of an act entitled "An act regulating the employment, tenure, and discharge of certain officers and employees of this State and of the various counties and municipalities thereof, and providing for a civil-service commission, and defining its powers and duties," approved April 10, 1908.

12. The employees now in the employ of the board of health of the State of New Jersey shall be retained in their present offices or positions and shall continue as employees of the department of health, unless removed in accordance with the provisions of an act entitled "An act regulating the employment, tenure, and discharge of certain officers and employees of this State and of the various counties and municipalities thereof, and defining its powers and duties," approved April 10, 1908. The director of health, however, may, with the approval of the board, abolish any office or position which in his judgment may be unnecessary to retain.

13. All acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed, and this act shall take effect on the 1st day of July, 1915: *Provided, however*, That if any section or parts thereof of this act shall be questioned in any court and shall be held to be unconstitutional and void, the sections or parts thereof so declared to be invalid shall be excised and the balance of the act shall stand as though said sections or parts thereof had never been included within the provisions of this act.